

**PATENT  
APPLICATION NO 10/003,123**

**REMARKS**

In the Office Action dated January 31, 2004, claims 11-31 are pending and have been rejected. By virtue of the present Amendment, the specification and claims 13 and 24 have been amended. Applicants respectfully submit no new matter has been added by these Amendments. Accordingly, claims 11-31 are at issue.

**Specification**

The Specification has been amended on page 8 to correct a typographical error noticed in the preparation of this Amendment. Applicants respectfully submit no new matter was added by this correction.

**Claims**

Claim 13 has been amended to correct a typographical error. Claim 13 inadvertently included a second copy of the exact text of claim 14 at the end of the claim.

**35 U.S.C. 112**

Claim 24 has been rejected under 35 USC 112 first and second paragraphs. Applicants have changed the text of claim 24 to more clearly articulate the invention. Applicants note that the "state machine" as changed in the claim is described at the top of page 8 of the specification, as noted by the Examiner in the Office Action. In addition, the word "simultaneously" has been deleted from the claim text. As such, Applicants contend that the claim, as amended, is enabled by the specification and is distinctly

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articulated. Therefore, Applicants request that the Examiner remove the rejections based upon 35 USC 112 first and second paragraphs.

**35 U.S.C. 102**

Claims 11-15, 21, 24-29, and 31 have been rejected under 35 USC 102(e) as being anticipated by US Patent 6,321,272 (hereafter "the '272 patent"). Applicants respectfully traverse this rejection, noting that the '272 patent was filed after the invention of the present invention. The present invention was invented at least as early as July 23, 1997 as shown in the attached declarations of the inventors and the accompanying documents from that timeframe. As such, the '272 patent is not available under 35 USC 102(e) for use against the present invention since it was filed after this date (on September 10, 1997). Since the '272 patent was not published until November 20, 2001, it is not available under other aspects of 35 USC 102 (a), (b), or (d). Furthermore, because Andrew Swales is a common inventor on both the '272 and the present invention, the present invention is not invented by "another" as required by 35 USC 102 (a) or (c). Applicants therefore request that the rejection of claims 11-15, 21, 24-29, and 31 under 35 USC 102 be removed.

**35 U.S.C 103**

Claims 16-20, have been rejected under 35 USC 103 as being obvious over further consideration of the '272 patent. As stated above, the '272 patent does not qualify as prior art to the present invention. Accordingly, Applicants respectfully request this rejection be removed.

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Claims 22, 23, and 30 have been rejected under 35 USC 103(a) as being unpatentable over the '272 patent in view of U.S. Patent No. 5,757,924 to Friedman. Applicants respectfully traverse this rejection. As set forth above, the primary reference in this rejection, the '272 patent, does not qualify as prior art to the present application. Accordingly, Applicants respectfully request this rejection be removed.

Claim 24 is rejected under 35 USC 103(a) as being unpatentable over the '272 patent in view of U.S. Patent No. 5,375,070 to Hershey. Applicants respectfully traverse this rejection. As set forth above, the primary reference in this rejection, the '272 patent, does not qualify as prior art to the present application. Accordingly, Applicants respectfully request this rejection be removed.

**Double Patenting**

Claims 11-21, 24-29, and 31 have been rejected under the doctrine of obvious-type double patenting over claims 1-14 of the '272 patent. The '272 is owned by the same assignee as the present application and has one common inventor. Applicants submit herewith a joint Terminal Disclaimer to overcome this and the following rejection.

Claims 11-14, 24, and 25 have been rejected under the doctrine of obvious-type double patenting over claims 32-39 of co-pending U.S. Patent Application No 10/140,273. U.S. Patent Application No. 10/140,273 is owned by the same assignee as the present application and shares common inventors. Applicants submit herewith a joint Terminal Disclaimer to overcome this and the previous rejection.

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**Conclusion**

Accordingly, Applicants submit that, in light of the above remarks, the 1.131 Affidavits and the Terminal Disclaimer submitted herewith, claims 11-31 are in condition for allowance. Applicants respectfully request the Examiner to withdraw the rejections and to allow the claims to issue. The commissioner is authorized to charge deposit account 19-3875 (SAA-S-2) for any fees associated herein.

Respectfully submitted,

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